

Pro Se General Complaint for a Civil Case (Rev. 10/16)

United States District Court
for the
NORTHERN DISTRICT OF ALABAMA

NOV 29 PM 4:06

Samuel Sumerlin
Plaintiff
(Write your full name. No more than one plaintiff may be named in a pro se complaint)

2:18-cv-01975-JHE

United State Postal Service

Case No.: _____
(to be filled in by the Clerk's Office)

JURY TRIAL ☒ Yes ☐ No

United State Postal Service
Defendant(s)
(Write the full name of each defendant who is being sued. If the names of all defendants cannot fit in the space above or on page 2, please write "see attached" in the space and attach an additional page with the full list of names)

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff
Name

Street Address

City and County

State and Zip Code

Telephone Number

SAMUEL SUMERLIN
5501 Mexico Ave
Birmingham Jefferson
Alabama 35224
205-5401925

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization or a corporation. If you are suing an individual in his/her official capacity, include the person's job or title. Attach additional pages if needed.

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Defendant No. 1

Name

Job or Title

Street Address

City and County

State and Zip Code

United Postal Service
475 L'ENFANT PLAZA SW
Washington
DC 20260-4541

Defendant No. 2

Name

Job or Title

Street Address

City and County

State and Zip Code

Defendant No. 3

Name

Job or Title

Street Address

City and County

State and Zip Code

Defendant No. 4

Name

Job or Title

Street Address

City and County

State and Zip Code

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Defendant No. 5

Name _____

Job or Title _____

Street Address _____

City and County _____

State and Zip Code _____

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only these types of cases can be heard in federal court: a dispute that involves a right in the United States Constitution or a federal law (as opposed to a state law or local ordinance); a dispute that involves the United States of America (or any of its agencies, officers or employees in their official capacities) as a party; and a dispute between citizens of different states with an amount in controversy that is more than \$75,000.

What is the basis for federal court jurisdiction? *(check all that apply)* *None*

☐ Constitutional or Federal Question ☒ USA Defendant ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction is USA defendant

The Defendant(s) _____

Name of Agency _____

Address _____

B. If the Basis for Jurisdiction is a Constitutional or Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

C. If the Basis for Jurisdiction is Diversity of Citizenship

1. The Plaintiff

The plaintiff, *(name)* _____, is a citizen of the State of *(name)* _____.

2. The Defendant(s)

a. If the defendant is an individual

The defendant, *(name)* _____, is a citizen of the State of *(name)* _____. Or is a citizen of *(foreign nation)* _____.

b. If the defendant is a corporation

The defendant, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

Or is incorporated under the laws of *(foreign nation)* _____, and has its principal place of business in *(name)* _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy – the amount the plaintiff claims the defendant owes or the amount that is at state – is more than \$75,000, not counting interest and costs of court, because: *(explain)*

III. Statement of Claim

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Write a short and plain statement of the claim. Briefly state the facts showing that the plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

I Samuel Sumnerlin mailed on June 29, 2018 some diamond rings & diamond bracelet's to The Goldsmith Jewelry 3200 Las Vegas Blvd S# 5572 Las Vegas Nevada 89109-2612. The Goldsmith never received the jewelry. I took the jewelry to Fairfield Post Office where the Clerk Linda Help Box it up and mailed it. 2 months later the box came back. The postman that delivered the box back noticed a hole in the box at that time. The postman opened the box in front of me. IV. Relief and the box was empty.

State briefly and precisely what damages or other relief the plaintiff asks for the court to order. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive (punishment) or exemplary (warning or deterrent) damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages. I ask Linda for 10,000 insurance.

I had a 5,000 dollar insurance on the package. She said that's all they would allow. Someone stole it and tried to cover it up. The Post Office denied my claim because she said I didn't give fair market value. My jewelry was worth more than 5,000 dollars. I AM asking for 15,000 dollars for my jewelry & punitive damages. They did not investigate the claim nor did they try and speak to neither postman.

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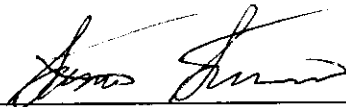
V. Certification and Closing

Under Rule 11 of the Federal Rules of Civil Procedure, by signing below, I certify to the best of my knowledge, information, and belief that this complaint; (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a non-frivolous argument for extending, modifying or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in dismissal of my case.

First Name Samuel Sumerlin Last Name Sumerlin
Mailing Address 5501 Mexico Ave
City and State B'ham AL Zip Code 35224
Telephone Number 205 540 1925
E-mail Address _____

Signature of plaintiff



Date signed

12-27-18

OPTIONAL

You may request to receive electronic notifications. You may not file documents or communicate with the court electronically. All documents must be submitted in paper and you must serve the defendants.

Type of personal computer and related software/equipment required:

- Personal computer running a standard platform such as Windows or Mac OSX
- Internet access (high speed is recommended)
- A Web browser (Microsoft Internet Explorer 7.0 or 6.0 or Mozilla Firefox 2 or 1.5)
- Adobe Acrobat Reader is needed for viewing e-filed documents
- PACER account – Information and registration at www.pacer.gov

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- You will receive one “free” look of the document. Documents must be viewed within 14 days. You must only single-click on the hyperlink to view.

Note: You must promptly notice the Clerk’s Office, in writing, if there is a change in your designated e-mail address. Failure to update your email address does not excuse failures to appear or timely respond.

E-mail type:

- ☐ HTML – Recommended for most e-mail clients
- ☐ Plain Text – Recommended for e-mail accounts unable to process HTML e-mail

Conditioned upon the sufficiency of your electronic equipment which the court will test and verify receipt, you will be allowed to receive electronic notifications.

By submitting this request , the undersigned consents to electronic service and waives the right to personal service and service by first class mail pursuant to Rule 5(b)(2) of the Federal Rules of Civil Procedure, except with regard to service of a summons and complaint.

When a filing is entered on the case docket, a party who is registered for electronic noticing will receive a Notice of Electronic Filing in his/her designated e-mail account. The Notice will allow one free look at the document, and any attached .pdf may be printed or saved.

IMPORTANT:

Messages sent to Yahoo or AOL accounts are frequently found in the spam folder until the court is added to your address book.

E-mail address designated for noticing:

Participant signature: _____

Date: _____

United States Postal Service
Office of Consumer Advocate
Claim Appeals
475 L'Enfant Plaza, SW
Washington DC 20260-4541



November 13, 2018


SAMUEL SUMERLIN
1608 MARTIN AVE
BIRMINGHAM AL 35208-2527

Claim ID: 5559508
Date Mailed: June 29, 2018
THE GOLDSMITH
3200 LAS VEGAS BLVD S #
5572
LAS VEGAS NV 89109-2612

Article Number: RA639242083US

Dear SAMUEL SUMERLIN

This responds to your appeal, which was filed with the Consumer Advocate.

I regret any inconvenience you may have experienced or any misunderstanding you may have had regarding the coverage offered for Insured Mail. It may be helpful to explain our indemnity claim procedures. When insured articles are lost or damaged in the mail, the customer may file a claim for compensation. Our indemnity requirements are similar to those for other forms of insurance, in requiring the sender or addressee to provide proof of insurance, proof of value, and proof that loss or damage has actually occurred.

Unfortunately, you have not submitted acceptable evidence of value to support your claim. It is incumbent upon the customer to provide the Postal Service with evidence of value, such as an appraisal, sales receipt, paid invoice or credit card bill to establish the cost or value of the article at the time it was mailed (Domestic Mail Manual, Section 609.3.2). A dated sales receipt, invoice, credit card statement, or proof of completed Internet payment transaction.

Note: Proof of value must list the item, purchase date, amount, and demonstrate proof of completed payment.

The actual loss is the fair market value of the item at the time it is mailed, not its replacement value or its sentimental value. Evidence of value is one of the criteria required to complete the adjudication of a claim.

Based on the above, your claim cannot be approved for payment.

Sincerely,

Sandra Eaton
Consumer Relations Specialist

Office of Consumer Advocate
Claim Appeals
475 L'Enfant Plaza, SW
Washington DC 20260-4541

CCRS